

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE: CASE NO. 8:19-bk-010787-CPM
CHAPTER 7
JAMES HOYER, P.A.

Debtor.

**TRUSTEE'S RESPONSE TO DEBTOR'S MOTIONS
FOR SANCTIONS FOR VIOLATION OF AUTOMATIC
STAY AND REQUEST FOR FUNDS TO BE PAID TO TRUSTEE**

COMES NOW, the Trustee, Douglas N. Menchise, by and through his undersigned attorney, and respectfully files this his Trustee's Response to Debtor's Motions for Sanctions For Violation of Automatic Stay (Doc. No. 25, 26, 27, and 28), and Request Funds be Paid to Trustee, in support, states:

1. That, on January 9, 2020, the Debtor, JAMES HOYER, P.A., filed Debtor's Motion for Sanctions for Violation of Automatic Stay against Creditor, Lyon Collection Services Inc. (hereinafter "Sanction Motion Against Lyon") (Doc. No. 25).

2. That, on January 9, 2020, the Debtor, JAMES HOYER, P.A., filed Debtor's Motion for Sanctions for Violation of Automatic Stay against Creditor, Pitney Bowes (hereinafter "Sanction Motion Against Pitney") (Doc. No. 26).

3. That, on January 9, 2020, the Debtor, JAMES HOYER, P.A., filed Debtor's Motion for Sanctions for Violation of Automatic Stay against Creditor, TransUnion Risk and Alternative Data Solutions, Inc. (hereinafter "Sanction Motion Against TransUnion") (Doc. No. 27).

4. That, on January 9, 2020, the Debtor, JAMES HOYER, P.A., filed Debtor's Motion for Sanctions for Violation of Automatic Stay against Creditor, AT&T (hereinafter "Sanction

Motion Against AT&T”) (Doc. No. 28).

5. That any funds or recovery from the above-alleged stay violations is property of the bankruptcy estate per Section 541 of the Bankruptcy Code, and should be turned over to the Trustee for administration.

WHEREFORE, the Trustee moves this Honorable Court to enter its order that any funds or recovery resulting from Debtor’s Sanction Motion Against Lyon, Sanction Motion Against Pitney, Sanction Motion Against TransUnion, and/or Sanction Motion Against AT&T is property of the bankruptcy estate and not the Debtor, and shall be paid to the Trustee, Douglas N. Menchise, immediately upon receipt.

I HEREBY CERTIFY that copies of the foregoing were delivered by CM/ECF to the Office of the U.S. Trustee; the Debtor’s Attorney, KRISTINA E. FEHER, Esquire; and all Parties on the Court’s CM/ECF Electronic Users List; and by UNITED STATES MAIL to Debtor, JAMES HOYER, P.A., 2801 W. BUSCH BOULEVARD, SUITE 200, TAMPA, FL 33618; AT&T, 1801 Valley View Lane, Dallas, Texas 75234; TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS, INC., P O Box 209047, Dallas, TX 75320-0947; PITNEY BOWES, 3001 Summer St., Stamford, CT 06926; and LYON COLLECTION SERVICES, INC., One ADP Blvd., Carrollton, TX 75006; this 31st day of January, 2020.

/s/ Douglas N. Menchise
DOUGLAS N. MENCHISE, ESQUIRE
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